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Attorney for Defendant
MARIO GONZALEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 2:20-cr-00013-WBS
)	
Plaintiff,)	STIPULATION AND ORDER TO CONTINUE
)	MOTION HEARING AND BRIEFING
v.)	SCCHEDULE
)	
MARIO GONZALEZ.,)	
)	Date: January 12, 2021
Defendant.)	Time: 10:00 a.m.
)	Judge: Hon. William B. Shubb

IT IS HEREBY STIPULATED by and between McGregor W. Scott, United States Attorney through, Michael Redding, Assistant United States Attorney, attorney for Plaintiff, and Heather Williams, Federal Defender, through Assistant Federal Defender Douglas Beevers, attorneys for Mario Gonzalez, that defendant requests that the hearing on the motion to suppress scheduled for January 12, 2021 be vacated and continued to February 2, 2021 at 10:00 a.m., and that time between January 12, 2021 and February 2, 2021, be excluded under Local Code T4.

As grounds for the stipulation, the parties received relevant evidence on December 7, 2020, and further briefing and declarations may be needed to avoid the need for a live hearing.

The parties stipulate that both parties would have until December 15, 2020, to file any pleadings including the Defense reply, and the Government would have until January 4, 2020 to file any declarations which might avoid the need for an evidentiary hearing.

1 Defense and the Government required more time to investigate the facts related to this
2 motion which were delayed by office closures due to the COVID-19 pandemic. Defense counsel
3 believes that failure to grant the above-requested continuance would deny him the reasonable
4 time necessary for effective preparation, taking into account the exercise of due diligence. The
5 government does not object to defense counsel's motion to continue the hearing..

6 Based upon the foregoing, the parties agree that for purposes of calculating time under
7 the Speedy Trial Act the time period from January 12, 2021 through and including February 2,
8 2021, is deemed excludable pursuant to 18 U.S.C. § 3161 (h)(7)(A), (B)(iv)[Local Code T4] and
9 General Order 479 because it results from a continuance granted by the Court at the defendant's
10 request for the purposes of continuity of counsel and defense preparation, and the Court's finding
11 that the ends of justice served by taking such action outweigh the best interest of the public and
12 defendant in a speedy trial.

13 Nothing in this stipulation and order shall preclude a finding that other provisions of the
14 Speedy Trial Act dictate that additional time periods are excludable from the period within which
15 a trial must commence.

16 IT IS SO STIPULATED.

17 DATED: December 15, 2020

Respectfully submitted,

19 HEATHER E. WILLIAMS
20 Federal Defender

21 Douglas Beevers
22 DOUGLAS BEEVERS
23 Assistant Federal Defender
Attorney for MARIO GONZALEZ

24 DATED: December 15, 2020

McGREGOR W. SCOTT
United States Attorney

25 /s/Michael Redding
26 MICHAEL REDDING
27 Assistant United States Attorney
28 Attorney for Plaintiff

ORDER

The Court, having received, read, and considered the stipulation of the parties, and good cause appearing, adopts the stipulation in its entirety as its order. The Court specifically finds that the failure to grant a continuance in this case would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court finds the ends of justice served by granting the continuance outweigh the best interests of the public and defendant in a speedy trial.

The Court orders that the parties shall have until December 15, 2020 to file additional pleadings, and the Government shall have until January 4, 2021 to file declarations. The Court orders that the hearing on the motion to suppress is reset for **February 2, 2021 at 10:00 a.m.** The Court further orders the time from January 12, 2021 up to and including February 2, 2021, excluded from computation of time within which the trial of this case must commence under the Speedy Trial Act, pursuant to 18 U.S.C. §§3161(h)(7)(A), B(iv)[Local Code T4].

Dated: December 16, 2020



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE